

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CLEMENT WOGHIREN,
Plaintiff,

v.

WYETH, And
WYETH BIOPHARMA,
Defendants.

RECEIPT # _____
AMOUNT \$ _____ Docket No. 130
SUMMONS ISSUED _____
LOCAL RULE 4.1 _____
WAIVER FORM _____
MCF ISSUED _____
BY DPTY. CLK. 408
DATE 10-12-04

FILED
IN CLERKS OFFICE

2004 OCT 12 P 3:41

U.S. DISTRICT COURT
DISTRICT OF MASS.**NOTICE OF REMOVAL 04 - 12148 WGY**

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS:

MAGISTRATE JUDGE Bowler

The defendants, Wyeth and Wyeth Biopharma ("Defendants"), file this Petition for
Removal pursuant to 28 U.S.C. §1446(a), and respectfully submit that:

1. On or about October 8, 2004, Defendants received a Summons, together with the
Amended Complaint in the matter entitled Clement Woghiren v. Wyeth and Wyeth Biopharma,
Essex County Superior Court, Civil Action No. 04-01666-D. True, accurate and complete copies
of the Summons and Complaint are attached hereto as Exhibit "A." The Summons and
Complaint constitute all process, pleadings and orders served upon the defendants in this matter
to date.

2. Removal to the United States District Court for the District of Massachusetts in
Boston is appropriate as: (1) in accordance with 28 U.S.C. §1441(b), the United States District
Court has original jurisdiction over the action; and (2) the United States District Court for the
District of Massachusetts, Eastern Section embraces the place, *i.e.*, Essex County, where the
action is pending. 28 U.S.C. §1441(a).

3. Original jurisdiction is based upon diversity of the parties and an amount in
controversy in excess of \$75,000.00 as set forth in 28 U.S.C. § 1332 (a)(1) and (b), respectively.
Clement Woghiren, is a resident of Middlesex County, Commonwealth of Massachusetts. The
sole proper defendant and entity amenable to suit is Wyeth, which is a corporation duly

organized under the laws of the State of Delaware and headquartered at Madison, New Jersey. The amount in controversy exceeds \$75,000, inasmuch as the plaintiff has alleged in the Complaint that he has suffered damages for wrongful discharge and retaliation in violation of G.L. ch. 151B, § 1 *et seq.*, for, *inter alia*, lost income and benefits, damage to his professional reputation, lost professional opportunities and other losses, emotional distress and mental anguish, attorney's fees and costs due to "Discrimination based upon his race, national origin and/or background." *See* Amended Complaint, attached hereto as "Exhibit A," ¶¶ 60, 64.

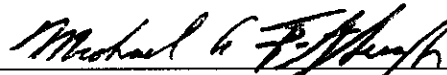
4. An alternate basis for this Court's jurisdiction exists pursuant to 28 U.S.C. § 1441 (b), in that the plaintiff has pleaded a claim for wrongful discharge under Title VII of the federal civil rights act, as amended. *See* Amended Complaint attached hereto as "Exhibit A," ¶ 60.

5. This Notice of Removal is being filed within the time period required by law in accordance with 28 U.S.C. § 1446 (b).

6. Promptly after the filing of this Notice of Removal, a copy of the Notice will be filed with the Clerk of Courts for the Essex County Superior Court, and all adverse parties will receive written notice of the filing of this Notice of Removal.

WHEREFORE, the Defendants pray that this action be removed from the Essex County Superior Court to the United States District Court for the District of Massachusetts.

WYETH AND WYETH BIOPHARMA,
By Their Attorneys,

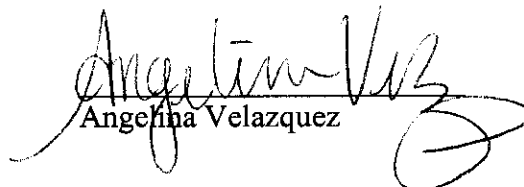


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CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2004 I have served the above *Notice of Removal* upon all counsel of record listed below by regular mail, postage prepaid.

John F. Tocci, Esq.
Merson & Lee, P.C.
171 Milk Street, Suite 400
Boston, MA 02109


Angelina Velazquez